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Memorandum

TO: ASYLUM OFFICE DIRECTORS
ASYLUM OFFICE DEPUTY DIRECTORS
SUPERVISORY ASYLUM PRE-SCREENING OFFICERS
ASYLUM PRE-SCREENING OFFICERS
QUALITY ASSURANCE/TRAINING ASYLUM OFFICERS

FROM: Ted H. Kim
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SUBJECT: Telephonic Interviews in Negative Credible Fear Determinations

I. Purpose

This memorandum suspends the requirement to terminate the telephonic credible fear interview and conduct a follow-up interview in-person or by video-teleconference (VTEL), if the Asylum Pre-Screening Officer (APSO) finds that the alien does not have a credible fear of persecution or torture. Until further notice, these guidelines supersede the procedures contained in Section III.E.1 of the draft Credible Fear Procedures Manual (CFPM).

II. Background

Under current credible fear procedures, Asylum Office Directors are authorized to exercise their discretion to choose the mode of interview—in-person, telephonic, or VTEL—after considering a number of factors. If the telephonic mode is chosen, however, current procedures require the APSO to terminate the telephonic interview and conduct an interview in-person or by VTEL if there is any indication that the alien does not understand the process, or if the APSO finds that the alien does not have a credible fear of persecution or torture. This procedure typically requires rescheduling the interview and therefore delays case processing times.

In order to address the recent surge in credible fear referrals, which have nearly tripled over the last three years, and support current Department of Homeland Security efforts to relieve

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pressure on the detention system, the Asylum Division has been implementing measures to gain efficiencies in the credible fear process. To this end, over the last year, Asylum Offices have been expanding the use of telephonic interviewing so that they can reach more credible fear applicants more quickly while also minimizing travel costs. To maximize the efficiency of telephonic interviewing, the Asylum Division is suspending the procedural requirement for APSOs to switch from the telephonic mode to an in-person or VTEL mode if they do not find a credible fear of persecution or torture.

III. Implementation

Effective immediately, where credible fear interviews are initiated over the telephone¹, APSOs should complete their interviews over the telephone, including those that may lead to a negative determination. In such instances, APSOs should no longer terminate the telephonic interview in order to schedule a live or VTEL follow-up interview.

Asylum Office Directors or their management designee(s) may exercise their discretion to authorize exceptions to this new policy on a case-by-case basis.

Questions regarding the contents of this memorandum may be directed to the HQASM Operations Branch, Credible Fear Program Manager.

¹ The APSO should still terminate the telephone or VTEL interview and schedule an in person interview if there is any indication that the alien does not understand the process.